

The President's determination to play politics with judicial nominations appears as if it will only intensify. Just last Friday, the President nominated African-American Andre Davis to a seat on the U.S. Court of Appeals for the Fourth Circuit, and it is my understanding that he will nominate a woman, Elizabeth Gibson, to that Court today.

The President has persisted in making these nominations, even though I have made clear to him that the Judiciary Committee will not hold any additional nominations hearing this year. The President nominated Mr. Davis and Ms. Gibson, knowing full well that they have no chance of being confirmed. Mr. Davis and Ms. Gibson are being used for political purposes, so the President and Democrats can argue that Senate Republicans are biased against women and minorities.

Senate Republicans, however, are not biased against women and minority nominees. Data comparing the median time required for Senate action on male vs. female and minority vs. non-minority nominees shows only minor differences. During President Bush's final two years in office, the Democrat-controlled Senate took 16 days longer to confirm female nominees compared with males. This differential decrease to only 4 days when Republicans gained control of the Senate in 1994. During the subsequent 105th and 106th Congresses, it increased.

The data concerning minority nominees likewise shows no clear trend. When Republicans gained control in 1994, it took 28 days longer to confirm minority nominees as compared to non-minority nominees. This difference decreased markedly during the 105th Congress so that minorities were confirmed 10 days faster than non-minorities. The present 106th Congress is taking only 11 days longer to confirm minority nominees than it is to confirm non-minority nominees.

These minor differences are a matter of happenstance. They show no clear trend. Senator BIDEN is right when he says that "whether or not [a nominee moves] has not a single thing to do with gender or race." And even if there were actual differences, a differential of a week or two is insignificant compared to the average time that it takes to select and confirm a nominee. On average, the Clinton White House spends an average of 315 days to select a nominee while the Senate requires an average of 144 days to confirm.

Under my stewardship, the Judiciary Committee has considered President Clinton's judicial nominees more carefully than the Democratic Senate did in 1993 and 1994. Some individuals confirmed by the Senate then likely would not clear the committee today. The Senate's power of advice and consent, after all, is not a rubber stamp.

There is no evidence, however, of bias or of a confirmation slowdown. There is no evidence of bias because, in fact, the Senate is not biased against female

and minority nominees—indeed, the Senate has confirmed a record number of such nominees for judicial office. Furthermore, there is no evidence of a confirmation slowdown because, in fact, the confirmation process has been conducted in the normal fashion and at the normal speed.

In conclusion, it always is the case that some nominations "die" at the end of the Congress. In 1992, when Democrats controlled the Senate, Congress adjourned without having acted on 53 Bush nominations. I have a list here of the 53 Bush nominees whose nominations expired when the Senate adjourned in 1992, at the end of the 102nd Congress. By comparison, there are only 40 Clinton nominations that will expire when this Congress adjourns. My Democratic colleagues have discussed at length some of the current nominees whose nominations will expire at the adjournment of this Congress. Madam President, I ask unanimous consent that this list of 53 Bush nominations that Senate Democrats permitted to expire in 1992 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS**

Nominee	Court
Sidney A. Fitzwater of Texas .....	Fifth Circuit.
John G. Roberts, Jr. of Maryland .....	D.C. Circuit.
John A. Smetanka of Michigan .....	Sixth Circuit.
Frederico A. Moreno of Florida .....	Eleventh Circuit.
Justin P. Wilson of Tennessee .....	Sixth Circuit.
Franklin Van Antwerpen of Penn. ....	Third Circuit.
Francis A. Keating of Oklahoma .....	Tenth Circuit.
Jay C. Waldman of Pennsylvania .....	Third Circuit.
Terrence W. Boyle of North Carolina ..	Fourth Circuit.
Lillian R. BeVier of Virginia .....	Fourth Circuit.
James R. McGregor .....	Western District of Pennsylvania.
Edmund Arthur Kavanaugh .....	Northern District of New York.
Thomas E. Sholtz .....	Southern District of Florida.
Andrew P. O'Rourke .....	Southern District of New York.
Tony Michael Graham .....	Northern District of Oklahoma.
Carlos Bea .....	Northern District of California.
James B. Franklin .....	Southern District of Georgia.
David G. Trager .....	Eastern District of New York.
Kenneth R. Carr .....	Western District of Texas.
James W. Jackson .....	Northern District of Ohio.
Terril R. Smith .....	Western District of Texas.
Paul L. Schechtman .....	Southern District of New York.
Percy Anderson .....	Central District of California.
Lawrence O. Davis .....	Eastern District of Missouri.
Andrew S. Hanen .....	Southern District of Texas.
Russell T. Lloyd .....	Southern District of Texas.
John F. Walter .....	Central District of California.
Gene E. Voigts .....	Western District of Missouri.
Manuel H. Quintana .....	Southern District of New York.
Charles A. Banks .....	Eastern District of Arizona.
Robert D. Hunter .....	Northern District of Alabama.
Maureen E. Mahoney .....	Eastern District of Virginia.
James S. Mitchell .....	Nebraska.
Ronald B. Leighton .....	Western District of Washington.
William D. Quarles .....	Maryland.
James A. McIntyre .....	Southern District of California.
Leonard E. Davis .....	Eastern District of Texas.
J. Douglas Drushal .....	Northern District of Ohio.
C. Christopher Hagy .....	Northern District of Georgia.
Louis J. Leonatti .....	Eastern District of Missouri.
James J. McMonagle .....	Northern District of Ohio.
Katharine J. Armentrout .....	Maryland.
Larry R. Hicks .....	Nevada.
Richard Conway Casey .....	Southern District of New York.
R. Edgar Campbell .....	Middle District of Georgia.
Joanna Seybert .....	Eastern District of New York.
Robert W. Kostelka .....	Western District of Louisiana.
Richard E. Dorr .....	Western District of Missouri.
James H. Payne .....	Oklahoma.
Walter B. Prince .....	Massachusetts.
George A. O'Toole, Jr. ....	Massachusetts.
William P. Dimitrouleas .....	Southern District of Florida.
Henry W. Saad .....	Eastern District of Michigan.

Mr. HATCH. I would note that the Reagan and Bush nominations that Senate Democrats allowed to expire included the nominations of minorities

and women, such as Lillian BeVier, Frederico Moreno and Judy Hope.

I do not have any personal objection to the judicial nominees who my Democratic colleagues have spoken about over the last few weeks. I am sure that they are all fine people. Similarly, I do not think that my Democratic colleagues had any personal objections to the 53 judicial nominees whose nominations expired in 1992, at the end of the Bush presidency.

Many of the Republican nominees whose confirmations were blocked by the Democrats have gone on to great careers both in public service and the private sector. Senator JEFF SESSIONS, Governor Frank Keating and Washington attorney John Roberts are just a few examples that come to mind.

I know that it is small comfort to the individuals whose nominations are pending, but the fact of the matter is that inevitably some nominations will expire when the Congress adjourns. It happens every two years. I personally believe that Senate Republicans should get some credit for keeping the number of vacancies that will die at the end of this Congress relatively low. As things now stand, 13 fewer nominations will expire at the end of this year than expired at the end of the Bush Presidency.

**HAWAII'S PREPAREDNESS FOR A WEAPON OF MASS DESTRUCTION TERRORIST INCIDENT**

Mr. AKAKA. Mr. President, I rise to commend the joint efforts of the federal Department of Health and Human Services, HHS, the Honolulu Emergency Services Department, and Hawaii's Department of Health, and National Guard for establishing one of the Nation's premier weapons of mass destruction, WMD, containment, mitigation and response capabilities. As the ranking member of the Governmental Affairs Committee, Subcommittee on International Security, Proliferation, and Federal Services, I follow Federal terrorism defense programs closely, especially those that affect Hawaii.

Terrorism, particularly the threat of domestic terrorism, remains at the forefront of concern for all of us. Although it has been 7 years since the terrorist bombing of the World Trade Center and 5 years since the destruction of the Oklahoma City Federal Building, these unspeakable atrocities left an indelible mark in the hearts of all Americans. In the intervening years, the threat of terrorism has become more pronounced. The National Commission on Terrorism recently concluded that "... international terrorism poses an increasingly dangerous and difficult threat to America—to day's terrorists seek to inflict mass casualties, and they are attempting to do so both overseas and on American soil. This was underscored by the December 1999 arrests in Jordan and at the U.S./Canadian border of foreign nationals who were allegedly planning to

attack crowded millennium celebrations." Fortunately, we have made significant strides in enhancing our defense against and reducing our vulnerabilities to terrorism.

The Defense Against Weapons of Mass Destruction Act of 1996, Public Law 104-201, Nunn-Lugar-Domenici amendment, authorized a coordinated Federal response to train, equip, and otherwise enhance the capability of Federal, State, and local emergency "first responders," e.g., primarily police, fire, and emergency medical officers, for terrorist incidents involving mass casualties, or nuclear, biological, and chemical weapons. Most of our current antiterrorism programs are outgrowths of this landmark legislation.

More than 40 Federal departments, agencies, and bureaus have some role in combating terrorism. The Justice Department, through the FBI, is the lead Federal agency for domestic terrorism and provides on-site emergency law enforcement response to all incidents. However, State and local governments and emergency responders bear the primary responsibility for responding to terrorist incidents, augmented by Federal resources. Therefore, Federal, State, and local coordination and cooperation is critical to ensuring that our population centers are properly safeguarded. I am particularly pleased with terrorism preparedness efforts in Hawaii, which have been hailed by HHS as "exemplary" and "national models."

Two little known, but essential components of the national antiterrorism program and support to local communities are Civil Support Teams, CSTs, and Metropolitan Medical Response Systems, MMRS.

Hawaii's Civil Support Team is one of 27 Army and Air National Guard CSTs that will be deployed in 26 States by the spring of 2001. Each team consists of 22 members who undergo 15 months of specialized training. Each team is equipped with a mobile analytical lab and a communications facility. Teams would be deployed to assist first responders in the event of a WMD incident. The teams, under the command of a State's governor, provide support to civilian agencies to assess the nature of an attack, provide medical and technical advice, and help coordinate subsequent State and Federal responses. Hawaii's Weapons of Mass Destruction Civil Support Team, the 93rd WMD-CST, is a composite Army/Air National Guard Unit, and component of the Hawaii Army National Guard, Headquarters, State Area Command. The team is currently undergoing training at Fort Leonard Wood, MO, and is expected to be fully trained and deployed by May 2001.

In 1997, Honolulu was selected as one of the first 25 cities in the Nation to contract with HHS to develop a Metropolitan Medical Response System and procure essential prophylactic pharmaceuticals and specialized equipment. MMRS are multi-disciplinary medical

teams consisting of physicians, nurses, paramedics, emergency medical technicians, and law enforcement officers, who provide initial on-site response and care, provide for safe patient transportation to hospital emergency rooms, provide definitive medical and mental health care to victims of various types of attack, and can prepare patients for onward movement to other regions, should this be required. In August 2000, the HHS expanded Hawaii's MMRS program by directing and funding an assessment of the unique needs of geographically isolated jurisdictions and an evaluation of long-term sustainment of the MMRS. Both studies will serve as national models. This is a further testament of the quality of Hawaii's MMRS program and highly complimentary of the personnel involved in its development.

Fortunately, terrorism involving the use of weapons of mass destruction is likely to remain rare. Nevertheless, as in the case of other low probability/high consequence risks, it remains a very serious and highly complex national concern. The precautionary safeguards we have taken thus far are essential and prudent, but offer no guarantees. We need to remain vigilant and ensure that our antiterrorism and counter terrorism programs continue to be properly funded, adequately maintained, and adjusted to meet the ever evolving threat. The American public demands no less.

#### PIPELINE SAFETY

Mr. MCCAIN. Mr. President, I deeply regret that the House of Representatives failed yesterday to favorably approve S. 2438, the Pipeline Safety Improvement Act of 2000. That measure was taken up under suspension of the rules in the House, and therefore, needed two-thirds of the members present and voting to support its passage. The final vote was 232 to 158.

As my colleagues know, the Senate has worked long and hard to produce comprehensive pipeline safety legislation. As a result of our bipartisan efforts, we unanimously approved S. 2438 nearly four weeks ago. That measure includes the best provisions from four separate proposals pending in the Senate, including legislation introduced by Senators MURRAY and GORTON, the measure introduced by Senator HOLLINGS on behalf of the Administration, the bill introduced by Senator BINGAMAN, and the bill I introduced along with Senators MURRAY and GORTON. While the final bill may not be the preference of every member, it is a fair and balanced compromise piece of legislation and, to quote Secretary Slater, "is critical to make much-needed improvements to the pipeline safety program. It provides for stronger enforcement, mandatory testing of all pipelines, community right-to-know information, and additional resources."

There is one and only one reason the Senate bill fell 28 votes short, pre-

venting it from being on its way to the President at this moment: Partisan Politics.

I can understand the hesitation on the part of some to approve a measure that doesn't include every single provision they envision as necessary to address pipeline safety improvements. But the Senate-passed bill is a good bill and would go a long way in promoting safety improvements. Senator MURRAY said it best on the floor of the Senate just two weeks ago: "Don't let the perfect be the enemy of the good." But instead of heeding that advice, the House has neither approved its own version of a pipeline safety bill nor has it approved the Senate's unanimously-passed bill. And now time is simply running out.

I do not relish voicing criticism toward the House opponents of S. 2438. But because of their actions, we will most likely fail to make any advancement in pipeline safety this year. And if we are ultimately prevented from enacting pipeline safety legislation in these remaining few days of the session, these and the other members working with them will be even less pleased by the criticisms I will be directing their way if even one more life is lost because of our inaction. Be assured, I will be back on this floor reminding everyone of our missed opportunity to address identified pipeline safety shortcomings due to the actions of these few members. They will be held accountable.

Mr. INSLEE from the State of Washington testified before the Senate Commerce Committee in May on the need to pass comprehensive legislation, noting that the "opportunity to pass comprehensive, meaningful legislation may not come again until there is another tragedy". Sadly, since the time Mr. INSLEE made those comments, two other accidents have occurred—claiming a total of 13 more lives. How many more lives are going to be lost before Congress finally passes pipeline safety legislation?

It is my understanding Mr. INSLEE has urged the Administration, members of his House delegation, and leadership on the House side, not to support the Senate bill. It is also my understanding that he has ignored advice from his own Senate colleague, Senator MURRAY, on this matter. In doing so, he is dooming the months of effort that a member of his own party, a Senator from his own home state, has put into crafting a bill that will undoubtedly improve pipeline safety. His actions may have killed the only chance that pipeline safety legislation will pass this year. And in doing so, he is ensuring that even more lives may be lost—and that the unacceptable status quo will remain.

I support passage of the strongest safety bill possible, and I know the House members I have mentioned are fully aware of this fact. The strongest bill possible at this time is the bill we approved in the Senate three weeks